

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Stephen PALM

Group Art Unit: 2133

Appl. No. : 10/663,712

Examiner:

Filed

: September 17, 2003

Confirmation No: 2236

For

: RETRANSMISSION PROCEDURE AND APPARATUS FOR

HANDSHAKING PROTOCOL

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents Washington, DC 20231

Sir:

In accordance with the duty of disclosure under 37 C.F.R. §1.56, §§1.97-1.98,

Applicant hereby calls the following documents to the attention of the Examiner:

A copy of a European Search Report mailed in related European Patent Application No. 03007777.0-2415 on October 11, 2003 is enclosed, in which the following documents are cited:

- (1) ITU-T Recommendation V.8 bis ("Procedures for the Identification and Selection of Common Modes of Operation Between Data Circuit-Terminating Equipments (DCEs) and Between Data Terminal Equipments (DTEs) Over the General Switched Telephone Network and On Leased Point-to-Point Telephone-Type Circuits"), published by the International Telecommunication Union in August, 1996;
 - (2) International Publication Number WO 98/10545, entitled "Improvements In, or

relating to, Multi-Carrier Transmission Systems", published on March 12, 1998;

- (3) An article by F. MESCAM, entitled "Introduction A La Procedure De Transmission HDLC", published at pages 69-73 of L'Onde Electrique, vol. 53, no. 2 (February, 1973); and
- (4) An articled by H. OHBA et al., entitled "End-to-End Protocol Based On CCITT X.25 and Its Implementation", published at pages 281-287 of Evolutions In Computer Communications, Kyoto September 26-29, 1978, International Conference On Computer Communication, Tokyo, Japan, vol. CONF. 4, September 1978.

A copy of a European Search Report mailed in related European Patent Application No. 03007773.9-2415 on October 11, 2003 is enclosed, in which the following documents are cited:

- (5) ITU-T Recommendation V.8 bis ("Procedures for the Identification and Selection of Common Modes of Operation Between Data Circuit-Terminating Equipments (DCEs) and Between Data Terminal Equipments (DTEs) Over the General Switched Telephone Network and On Leased Point-to-Point Telephone-Type Circuits"), published by the International Telecommunication Union on August, 1996;
 - (6) U.S. Patent 5,493,609 to DAVIS et al., which issued on February 20, 1996; and
- (7) An articled by K. KRECHMER at pages 63, 64 and 66 of Data Communications, McGraw Hill, NY, vol. 23, no. 2 (January 21, 1994), entitled "V.34 Modems: Off to a Fast Start?".

A copy of a European Search Report mailed in related European Patent Application No. 03007771.3-2415 on October 29, 2003 is enclosed, in which the following documents are cited:

- (8) European Patent Application No. EP 0 974 202 and International Publication No. WO 99/35756, published on July 15, 1999;
- (9) European Patent Application No. EP 0 820 168, published on January 21, 1998. Applicant notes that U.S. Patent 6,002,722 to WU, which issued on December 14, 1999 is a family member patent;
 - (10) U.S. Patent 5,479,447 to CHOW et al., which issued on December 26, 1995; and
 - (11) U.S. Patent 4,679,227 to HUGHES-HARTOGS, which issued on July 7, 1987.

A copy of a European Search Report mailed in related European Patent Application No. 03007772.1-2415 on October 11, 2003 is enclosed, in which the following documents are cited:

- (12) ITU-T Recommendation V.8 bis ("Procedures for the Identification and Selection of Common Modes of Operation Between Data Circuit-Terminating Equipments (DCEs) and Between Data Terminal Equipments (DTEs) Over the General Switched Telephone Network and On Leased Point-to-Point Telephone-Type Circuits"), published by the International Telecommunication Union on August, 1996;
 - (13) U.S. Patent 5,493,609 to DAVIS et al., which issued on February 20, 1996; and
 - (14) An articled by K. KRECHMER at pages 63, 64 and 66 of Data Communications,

McGraw Hill, NY, vol. 23, no. 2 (January 21, 1994), entitled "V.34 Modems: Off to a Fast Start?".

A copy of a European Search Report mailed in related European Patent Application No. 99914300.1 on July 14, 2003 and October 28, 2003 is enclosed, in which the following documents are cited:

- (15) European Patent Application No. EP 0 974 202, published on January 26, 2000 and International Publication No. WO 99/35756, published on July 15, 1999;
 - (16) European Patent Application No. EP 0 820 168, published on January 21, 1998.
 - (17) U.S. Patent 5,644,573 to JACOBSEN et al., which issued on July 1, 1997.

An English language translation of a Chinese Decision of Rejection mailed on October 10, 2003 in related Chinese Application No. 00800814.0 is enclosed, in which the following documents are cited:

- (18) U.S. Patent 5,463,382 to NIKAS et al., which issued on October 31, 1995; and
- (19) U.S. Patent 5,377,188 to SEKI, which issued on December 27, 1994.

A copy of a Canadian Office Action mailed on October 9, 2003 in related Canadian Patent Application 2,322,581 is enclosed, in which the following documents are cited:

- (20) Canadian Patent No. 2,027,230 to YANG et al., which issued on April 12, 1991;
- (21) Canadian Patent No. 2,111,543 to SCOTT, which issued on June 18, 1994; and
- (22) U.S. Patent 5,349,635 to SCOTT, which issued on September 20, 1994. An English language translation of a Chinese Office Action mailed on November 13,

2003 in related Chinese Patent Application No. 99803805.9 is enclosed, in which the following document is cited:

(23) U.S. Patent 4,897,831 to NEGI et al., which issued on January 30, 1990.

A copy of a Notice of Preliminary Rejection in related Korean Patent Application No. 10-2003-7008008, mailed on July 23, 2003 is enclosed, in which the following document is cited:

(24) U.S. Patent 5,311,578 to BREMER et al., which issued on May 10,1994.

The following documents were cited to the Examiner during the prosecution of parent Application No. 09/572,968:

- (25) U.S. Patent No. 6,205,208 to DETLEFSEN et al., which issued on March 20, 2001;
- (26) U.S. Patent No. 6,141,354 to NAKATSUGAWA, which issued on October 31, 2000;
 - (27) U.S. Patent No. 5,933,454 to CIOFFI, which issued on August 3, 1999;
 - (28) U.S. Patent No. 5,633,890 to AHMED, which issued on May 27, 1997;
 - (29) U.S. Patent No. 5,491,720 to DAVIS et al., which issued on February 13, 1996;
- (30) U.S. Patent No. 5,371,534 to DAGDEVIREN et al., which issued on December 6, 1994;
 - (31) U.S. Patent No. 5,144,651 to COOPER, which issued on September 1, 1992;
 - (32) U.S. Patent No. 4,953,210 to MCGLYNN et al., which issued on August 28,

1990;

- (33) U.S. Patent No. 5,826,198 to BERGINS et al., which issued on October 20, 1998; and
 - (34) U.S. Patent No. 6,044,107 to GATHERER et al., which issued on May 28, 2000.
- (35) An article published in the periodical, "Nikkei Communications," vol. 252, August 18, 1997, pages 80-89.
- (36) ITU-T recommendation G.994.1 ("Handshake Procedures For Digital Subscriber Line (DSL) Transceivers"), published by the International Telecommunication Union in February, 2001;
 - (37) U.S. Patent 5,400,322 to HUNT et al., which issued on March 21, 1995;
 - (38) U.S. Patent 5,479,447 to CHOW et al., which issued on December 26, 1995;
 - (39) U.S. Patent 5,805,669 to BINGEL et al., which issued on September 8, 1998;
 - (40) U.S. Patent 5,903,608 to CHUN, which issued on May 11, 1999; and
 - (41) U.S. Patent 5,910,970 to LU, which issued on June 8, 1999.

An International Search Report mailed on April 20, 1999 in PCT Application PCT/US99/00519, was called to the Examiner's attention that cited the following:

- (42) U.S. Patent No. 5,668,857 to McHALE, which issued on September 16, 1997;
- (43) U.S. Patent No. 5,781,617 to McHALE et al., which issued on July 14, 1998;
- (44) U.S. Patent No. 5,852,655 to McHALE et al., which issued on December 22, 1998;

- (45) U.S. Patent No. 5,410,343 to CODDINGTON et al., which issued on April 25, 1995; and
- (46) U.S. Patent No. 5,757,803 to RUSSELL et al., which issued on May 26, 1998.

 An international Search Report mailed on September 10, 1999 in PCT Application PCT/US99/06986, was called to the Examiner's attention that cited the following:
 - (47) U.S. Patent No. 5,796,808 to SCOTT et al., which issued on August 18, 1998;
 - (48) U.S. Patent No. 5,751,914 to COLEY et al., which issued on May 12, 1998;
- (49) U.S. Patent No. 5,448,566 to RICHTER et al., which issued on September 5, 1995;
 - (50) U.S. Patent No. 5,163,131 to ROW et al., which issued on November 10, 1992;
 - (51) U.S. Patent No. 5,311,578 to BREMER et al., which issued on May 10, 1994;
 - (52) U.S. Patent No. 4,680,773 to AMUNDSON, which issued on July 14, 1987;
- (53) U.S. Patent No. 5,463,661 to MORAN III et al., which issued on October 31, 1995:
- (54) U.S. Patent No. 5,715,277 to, GOODSON et al., which issued on February 3 1998;
 - (55) U.S. Patent No. 5,644,573 to BINGHAM et al., which issued on July 1, 1997; and
 - (56) U.S. Patent No. 5,608,764 to SUGITA et al., which issued on March 4, 1997.

An Australian Patent Office Written Opinion mailed on February 2, 2000 with respect to related Singapore Application No. SG 9904001-6 was called to the Examiner's attention,

in which the following documents were cited:

- (57) PCT Application WO 97/49229, along with English language family member U.S. Patent 5,796,808 (mentioned above);
 - (58) U.S. Patent 5,751,914 (mentioned above);
 - (59) U.S. Patent 5,163,131 (mentioned above);
 - (60) U.S. Patent 5,448,566 (mentioned above);
 - (61) U.S. Patent 5,311,578 (mentioned above);
 - (62) U.S. Patent 4,680,773 (mentioned above);
 - (63) U.S. Patent 5,463,661 (mentioned above);
 - (64) U.S. Patent 5,644,573 (mentioned above); and
 - (65) U.S. Patent 5,715,277 (mentioned above).

An international Search Report mailed on April 27, 2000 with respect to PCT Application No. PCT/US99/30006 was called to the Examiner's attention, in which the following documents were cited:

- (66) U.S. Patent No. 5,682,419 to GRUBE et al., which issued on October 28, 1997;
- (67) U.S. Patent No. 5,349,635 to SCOTT, which issued on September 20, 1994; and
- (68) U.S. Patent No. 4,897,831 to NEGI et al., which issued on January 30, 1990.

An international Search Report mailed on August 2, 2000 with respect to PCT Application No. PCT US00/08227 was called to the Examiner's attention, in which the following documents were cited:

- (69) U.S. Patent No. 5,463,382 to NIKAS et al., which issued on October 31, 1995; and
 - (70) U.S. Patent No. 5,377,188 to SEKI, which issued on December 27, 1994.

An International Search Report mailed on August 28, 2000 with respect to PCT Application No. PCT US00/40019 was called to the Examiner's attention, in which the following documents are cited:

- (71) U.S. Patent No. 5,321,722 to OGAWA, which issued on June 14, 1994;
- (72) U.S. Patent No. 5,912,921 to WARREN et al., which issued on June 15, 1999; and
 - (73) U.S. Patent No. 6,064,693 to OLIVER et al., which issued on May 16, 2000.

The following documents, which were cited in an Australian Written Opinion mailed on July 17, 2001 with respect to Singapore Application No. SG 0003733-3, were called to the Examiner's attention:

- (74) U.S. Patent No. 4,897,831 (mentioned above);
- (75) U.S. Patent No. 5,349,635 (mentioned above); and
- (76) U.S. Patent No. 5,682,419 (mentioned above).

The following documents, which were cited in an Australian Written Opinion mailed on October 25, 2001 with respect to Singapore Application No. SG 200006529-2, were called to the Examiner's attention:

(77) U.S. Patent No. 5,463,382 (mentioned above); and

(78) U.S. Patent No. 5,377,188 (mentioned above).

The following document, which was cited in an Australian Written Opinion mailed on November 15, 2001 with respect to Singapore Application No. SG 200006532-6, was called to the Examiner's attention:

(79) U.S. Patent No. 5,321,722 (mentioned above).

The following documents, which were cited in a Supplementary European Search Report dated March 4, 2002 with respect to related EP 99 96 7373, was called to the Examiner's attention:

- (80) U.S. Patent No. 4,897,831 (mentioned above);
- (81) U.S. Patent No. 5,349,635 (mentioned above); and
- (82) U.S. Patent No. 5,682,419 (mentioned above).

The following documents, which were cited in a Japanese Notice of the Reason for the Rejection (together with an English language translation of the same) dated November 20, 2001 with respect to Japanese Application No. HEI 11-349362, were called to the Examiner's attention:

- (83) Japanese Laid Open Patent Publication No. HEI 6-97980, which was published on April 8, 1994, together with an English language Abstract of the same;
- (84) Japanese Laid Open Patent Publication No. HEI 10-75279, which was published on March 17, 1998; and
 - (85) U.S. Patent No. 6,055,268 to TIMM et al., which issued on April 25, 2000.

Applicant notes that this document is not cited in the Japanese Notice of the Reason for the Rejection, however, it is an English language family member of the above-noted Japanese Laid Open Patent Publication No. HEI 10-75279, which was cited therein.

A Japanese Notice of the Reason for the Rejection (together with an English language translation of the same) dated November 20, 2001 with respect to Japanese Application No. HEI 11-349364 was called to the Examiner's attention, in which the following document was cited therein:

(86) Japanese Laid Open Patent Publication No. HEI 10-75279 (mentioned above).

Two Canadian Office Actions dated November 25, 2002 with respect to related Canadian Application Nos. 2,396,963 and 2,398,865 were made of record in the abovementioned parent application on January 23, 2003, in which the following documents were cited therein:

- (87) U.S. Patent No. 5,668,857 (mentioned above); and
- (88) U.S. Patent No. 5,796,808 (mentioned above).

A Korean Notice of Preliminary Rejection (together with an English language translation of the same) dated November 28, 2002 with respect to Korean Application No. 10-1999-7008157 was cited to the Examiner, in which the following document was cited therein:

(89) U.S. Patent No. 5,668,857 to McHALE (mentioned above).

A Korean Notice of Preliminary Rejection (together with an English language

translation of the same) dated December 17, 2002 with respect to Korean Application No. 10-1999-7010630 was cited to the Examiner, in which the following documents were cited therein:

- (90) U.S. Patent No. 5,311,578 (mentioned above); and
- (91) U.S. Patent No. 5,463,661 (mentioned above).

An Australian Examination Report dated December 18, 2002 with respect to Singapore Application No. SG 9904001-6 was cited to the Examiner.

An Australian Examination Report mailed on January 29, 2003 with respect to Singapore Application No. SG 200006529-2 was cited to the Examiner, in which the following documents were cited therein:

- (92) U.S. Patent No. 5,463,382 (mentioned above); and
- (93) U.S. Patent No. 5,377,188 (mentioned above).

A Canadian Office Action dated February 11, 2003 with respect to Canadian Application No. 2,322,581 was cited to the Examiner, in which the following documents were cited therein:

- (94) Canadian Patent No. 2,027,230 to YANG et al., which was published on April 18, 1995;
- (95) Canadian Patent Application No. 2,111,543 to SCOTT, which was published on June 18, 1994; and
 - (96) U.S. Patent No. 5,349,635 (mentioned above).

A Canadian Office Action dated January 6, 2003 with respect to Canadian Application No. 2,288,283 was cited to the Examiner, in which the following documents were cited therein:

- (97) U.S. Patent No. 5,463,661 (mentioned above); and
- (98) U.S. Patent No. 5,715,277 (mentioned above).
- (99) A Canadian Office Action mailed on April 16, 2003 with respect to related Application No. 2,283,337 was cited to the Examiner, in which U.S. Patent No. 5,668,857 to McHALE, which issued on September 16, 1997 was cited.
- (100) A Chinese Office Action mailed on March 28, 2003 with respect to related Application No. 99800028.0 was cited to the Examiner, in which U.S. Patent No. 5,668,857 (mentioned above) was cited.

A Canadian Office Action mailed on June 18, 2003 with respect to related Application No. 2,417,991 was cited to the Examiner, in which the following document was cited:

(101) U.S. Patent No. 5,280,586 to KUNTZ et al., which issued on January 18, 1994.

A copy of an English language translation of an Office Action mailed on July 10, 2003 with respect to related PRC Patent Application No. 00800784.5, was cited to the Examiner, in which the following document was cited:

(102) U.S. Patent No. 5,321,722 to OGAWA, which issued on June 14, 1994.

A copy of a Korean Notice of Final Rejection mailed on September 16, 2003 with

respect to related Korean Patent Application No. 10-1999-7010630, together with an English language translation of the same was cited to the Examiner, in which the following documents were cited:

- (103) U.S. Patent No. 5,311,578 to BREMER et al., which issued on May 10, 1994; and
- (104) U.S. Patent No. 5,463,661 to MORAN et al., which issued on October 31, 1995.

In accordance with 37 C.F.R. §1.98(d), copies of the documents submitted to the Examiner in the parent application are not submitted herewith.

Further to the U.S. Patent and Trademark Office's decision to waive the requirement under 37 C.F.R 1.98(a)(2)(i), copies of the U.S. patents and U.S. published patent applications are not enclosed herewith. However, if any copies are needed, the Examiner is respectfully requested to contact the undersigned. In this regard, copies of the materials cited in items (1)-(5), (7)-(9), (12), (14)-(16), (20)-(21), (35); and (36) are enclosed.

Applicant respectfully requests that the Examiner consider all of the above materials and cite the documents. The above-noted documents have been listed on a PTO-1449 Form, which is also attached hereto. The Examiner is respectfully requested to initial the appropriate spaces on the attached PTO-1449 Form and to return a copy of the Form to the Applicant with the next official communication in the present application to confirm consideration of these documents.

Applicant also brings to the Examiner's attention the following co-pending and commonly assigned patent applications:

- U.S. Patent Application No. 09/217,556 to PALM, entitled "Activation of Multiple xDSL Modems with Channel Probe", filed on December 21, 1998;
- U.S. Patent Application No. 10/175,961 to PALM, entitled "Activation of Multiple xDSL Modems with Implicit Channel Probe", filed on June 21, 2002;
- U.S. Patent Application No. 10/176,338 to PALM, entitled "Activation of Multiple xDSL Modems with Implicit Channel Probe", filed on June 21, 2002;
- U.S. Patent Application No. 10/287,005 to PALM, entitled "Activation of Multiple xDSL Modems with Implicit Channel Probe", filed on November 4, 2002;
- U.S. Patent Application No. 09/281,813 to PALM, entitled "Activation of Multiple xDSL Modems with Implicit Channel Probe", filed on March 31. 1999;
- U.S. Patent Application No. 09/473,683 to PALM, entitled "Activation of Multiple xDSL Modems with Half Duplex and Full Duplex Procedures", filed on December 29, 1999;
- U.S. Patent Application No. 09/564,704 to PALM, entitled "Activation of Multiple xDSL Modems with Power Control Measurement", filed on May 4, 2000;
- U.S. Patent Application No. 10/331,665 to PALM, entitled "Activation of Multiple xDSL Modems with Implicit Channel Probe", filed on December 31, 2002;
- U.S. Patent Application No. 10/657,271 to PALM, entitled "Activation of Multiple xDSL Modems with Implicit Channel Probe", filed on September 9, 2003;

- U.S. Patent Application No. 09/572,968 to PALM, entitled "Retransmission Procedure and Apparatus for Handshaking Protocol", filed on May 18, 2000;
- U.S. Patent Application No. 10/657,272 to PALM, entitled "Activation of Multiple xDSL Modems Channel Probe" filed on September 9, 2003;
- U.S. Patent Application No. 10/621,351 to PALM, entitled "Activation of Multiple xDSL Modems with Half and a Full Duplex Procedures", filed on September September 29, 2003;
- U.S. Patent Application No. 10/671,536 to PALM, entitled "Retransmission Procedure and Apparatus for Handshaking Protocol", filed on September 29, 2003; and
- U.S. Patent Application No. 10/740,767 to PALM, entitled "Activation of Multiple xDSL Modems with Implicit Channel Probe", filed on September December 22, 2003.

In accordance with 37 C.F.R. 1.98(a)(2)(iii), copies of the above-mentioned applications should be attached hereto. However, the specifications of application numbers 10/176,338, 10/175,961; 10/287,005; 10/331,665; 10/657,271; 10/657,272; and 09/281,813 are substantially the same; the specifications of application numbers 10/740,767; 10/621,351; and 09/473,683 are substantially the same; and the specifications of application numbers 09/572,968 and 10/671,536 are substantially the same. Thus, only copies of the claims of these applications are submitted herewith. The Examiner is requested to review the file wrapper of the U.S. patent applications at the U.S. Patent and Trademark Office and the references of record, if any, cited therein.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,

Stephen PALM

Bruce H. Bernstein

Reg. No. 29,027

January 7, 2004 GREENBLUM & BERNSTEIN, P.L.C. 1950 Roland Clarke Place Reston, VA 20191 (703) 716-1191

Form PTO-1449 U.S. Department of Commerce Patent and Trademark Office											Atty. Docket No. Serial No. P24177 10/663,712				
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	*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.														

Form PTO-1449 U.S. Department of Commerce Patent and Trademark Office										Atty. Docket No. Serial No. 10/663,712					
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and not considered. Include copy of this form with next communication to applicant.

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JAN 1	(Use sey ral sheets if necessary)	Filing Date September 13, 2003	Group 2133
PA	OTHER DOCUMENTS (Including A	_	
TAIR	articled by H. OHBA et al., entitled "End-t	o-End Protocol Based On CCITT	X.25 and Its Implementation",
	published at pages 281-287 of Evolutions In C	computer Communications, Kyoto	September 26-29, 1978,
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	6 An articled by K. KRECHMER at pages 63, 6	4 and 66 of Data Communications	s, McGraw Hill, NY, vol. 23, no. 2
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	8 ITU-T recommendation G.994.1 ("Handshake	Procedures For Digital Subscribe	r Line (DSL) Transceivers"),
	published by the International Telecommunica	tion Union in February, 2001.	
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